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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,957	12/31/2001	Sithya S. Khieu	53325US002	8431
32692	7590	11/28/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			ART UNIT	PAPER NUMBER

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Communication Re: Appeal

Application No.

10/039,957

Examiner

Gary Hartmann

Applicant(s)

KHIEU ET AL.

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:

(a) ☐ it was not timely filed.

(b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).

(c) ☐ the appeal fee received on \_\_\_\_\_ was not timely filed.

(d) ☐ the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$\_\_\_\_\_.

(e) ☐ the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.

(f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.

2. ☐ The appeal brief filed on \_\_\_\_\_ is NOT acceptable for the reason(s) indicated below:

(a) ☐ the brief and/or brief fee is untimely. See 37 CFR 41.37(a).

(b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).

(c) ☐ the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$\_\_\_\_\_.

**The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).**

3. ☒ The appeal in this application is DISMISSED because:

(a) ☐ the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.

(b) ☐ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.

(c) ☐ a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.

(d) ☒ other: the brief is directed to an amendment which was not entered. The brief must either be directed to the claims as examined in the final Office action of May 23, 2005, or an RCE filed to amend the claims in the manner desired.

4. ☐ Because of the dismissal of the appeal, this application:

(a) ☐ is abandoned because there are no allowed claims.

(b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.

(c) ☐ is before the examiner for consideration.

  
GARY S. HARTMANN  
PRIMARY EXAMINER